



PLEASANT GROVE CITY
PLANNING COMMISSION MINUTES
March 10, 2016

PRESENT: Vice Chair Coombs, Commissioners Peter Steele, Amy Cardon, Drew Armstrong, Scott Richards, Jennifer Baptista, Matt Nydegger, and Ryan Schooley

EXCUSED: Chair Levi Adams

STAFF: Community Development Director Ken Young, Planning Tech Barbara Johnson, City Engineer Degen Lewis, and NAB Chairperson Libby Flegal

Vice Chair Coombs called the meeting to order at 7:00 p.m., and stated that Items 3 and 4 would be heard and discussed in reverse order.

Commission Business:

- **Pledge of Allegiance:** Commissioner Richards led the Pledge of Allegiance.
- **Opening Remarks:** Commissioner Armstrong gave the opening remarks.
- **Agenda Approval:**
 - **MOTION:** Commissioner Baptista moved to APPROVE the written agenda as public record, with the Items 3 and 4 being heard in reverse order. Commissioner Steele seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.
- **Staff Reports:**
 - **MOTION:** Commissioner Richards moved to APPROVE the Staff Reports as part of the public record. Commissioner Baptista seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.
- **Declaration of conflicts and abstentions from Commission Members:** There were none.

1 **ITEM 1** – Public Hearing to consider request by Zhipeng Kou for a one-lot subdivision called
2 Zhipeng Estates on property located at approximately 600 South Apple Grove Lane in the R1-8
3 (Single Family Residential) Zone. **STRING TOWN NEIGHBORHOOD**
4

5 Community Development Director, Ken Young, informed the Commission that a motion for
6 continuance would be needed for this item. Staff received a resubmittal only two days prior and
7 had not had sufficient time to review the application. He also stated that the item had not been
8 noticed for that meeting, so the Commission would not be able to hold a public hearing that
9 evening. Mr. Young stated that the applicant was present and may want to make comment.
10

11 The applicant, Zhipeng Kou, gave his address as 1503 West 50 North and explained that he
12 purchased the subject property more than a year ago, and he received a variance from the Board
13 of Adjustment recently. He prepared a new plat with only his property, whereas before he had
14 included the neighbor's property. He noted that it was submitted a few days earlier. Mr. Zhipeng
15 informed the Commission that his current lease expires in September of this year, so he would like
16 to move forward on the project.
17

18 Vice Chair Coombs explained that the next Planning Commission Meeting will be for training
19 purposes and no public hearings will be held. As a result, this item will be continued to the April
20 14 meeting.
21

22 **MOTION:** Commissioner Baptista moved that the Planning Commission CONTINUE Item 1, a
23 public hearing for a preliminary subdivision, to the April 14, 2016 Planning Commission Meeting.
24 Commissioner Armstrong seconded the motion. The Commissioners unanimously voted "Aye".
25 The motion carried.
26

27 **ITEM 2** – Public hearing to consider a request by Mark Ryan for a City Code text amendment to
28 add use number 6377 allowing indoor climate controlled storage in the Downtown Village Zone,
29 Commercial Subdistrict. **LITTLE DENMARK NEIGHBORHOOD.**
30

31 Mr. Young presented the staff report and displayed an aerial photograph of the property related to
32 the proposed text amendment. The owner of the Costume Craze development has a large piece of
33 undeveloped property behind the building, and there have been several inquiries for potential
34 development over the past few years. The property is located in the Downtown Village Zone but
35 is not in the Mixed Use Overlay, so multi-family uses are not allowed. Staff recommended the
36 developers consider commercial and professional office uses, but the difficulty of the access has
37 made this an undesirable location. As a result, the applicant has proposed a text amendment to
38 allow climate controlled indoor storage facilities on the property. Staff felt this would be a good
39 fit for the property.
40

41 Mr. Young explained that staff wanted to focus the proposed use on this specific property rather
42 than allow it in the entire Downtown Village Zone. The City Attorney recommended that the
43 creation of an overlay would be the best solution, and the proposed language would restrict the use
44 even further so that it would really only apply to the subject property.
45

1 In response to a question from Commissioner Schooley, Mr. Young explained that this was the
2 first step for the applicant in the process. Once the overlay is created, the applicant will have to
3 come back and request that the overlay be applied to their property. Mr. Young read the verbiage
4 being proposed for the overlay.

5
6 Commissioner Richards asked if the proposed language would include a height restriction for the
7 use. Mr. Young confirmed that it would not. In this situation, that requirement would fall within
8 the requirements of the Downtown Village Zone.

9
10 The applicant, Mark Ryan, gave his address as 1194 North 850 East and thanked Mr. Young for
11 his presentation. Mr. Ryan commented that this seemed to be the best solution for their unique
12 property, and it would be a great use. He did not yet have specific plans for an indoor storage
13 facility.

14
15 Vice Chair Coombs opened the public hearing. There were no public comments. Vice Chair
16 Coombs closed the public hearing.

17
18 **MOTION:** Commissioner Steele moved that the Planning Commission recommend that the City
19 Council APPROVE the request of Mark Ryan for the creation of City Code Section 10-13F, Indoor
20 Storage Overlay. Commissioner Baptista seconded the motion. The Commissioners unanimously
21 voted "Aye". The motion carried.

22
23 **ITEM 4 – Public Hearing to consider a request by Sam Walker for a rezone of approximately 3.4**
24 **acres from R1-20 (Single Family Residential) to R1-12 (Single Family Residential) on property**
25 **located at approximately 1040 East Grove Creek Drive in the R1-20 (Single Family Residential)**
26 **Zone. GROVE CREEK NEIGHBORHOOD.**

27
28 Mr. Young presented the staff report and stated that the purpose of the rezone is to assist in creating
29 a subdivision of the subject property, as some of those lots would be less than the current 20,000
30 minimum square-foot lot size. The applicant requested that the property be rezoned to R1-12,
31 which would allow for a 12,000 square-foot lot size minimum. Mr. Young explained that the
32 rezone would still follow the General Plan, which has designated this area as low density
33 residential. Staff expressed support for the proposal.

34
35 In response to a question from Commissioner Richards, Mr. Young explained that at least one of
36 the proposed lots is less than 15,000 square feet in size, but the majority are fairly sizable. The
37 applicant was seeking to rezone the entire area because they are submitting the complete plat at
38 the same time.

39
40 The applicant, Mark Greenwood with ALM Engineering, stated that he would be representing the
41 Walker family in the process. He stated that the Walker family has had this parcel in their
42 procession for some time and they feel the time is right for development.

43
44 Vice Chair Coombs opened the public hearing. There were no public comments. Vice Chair
45 Coombs closed the public hearing.

1 **MOTION:** Commissioner Armstrong moved that the Planning Commission recommend that the
2 City Council APPROVE the request to rezone approximately 3.4 acres of property at
3 approximately 1040 East Grove Creek Drive, from the R1-20 (Single Family Residential) Zone to
4 R1-12 (Single-Family Residential) Zone; and adopt the exhibits, conditions, and findings
5 contained in the staff report, and as modified by the condition below:
6

- 7 1. All Final Planning, Engineering, and Fire Department requirements are met.
8

9 Commissioner Richards seconded the motion. The Commissioners unanimously voted “Aye”.
10 The motion carried.
11

12 **ITEM 3 –** Public Hearing to consider a request of Sam Walker for a six-lot preliminary plat
13 consisting of approximately 3.317 acres on property located at approximately 1040 East Grove
14 Creek Drive in the R1-20 (Single Family Residential) Zone. **GROVE CREEK**
15 **NEIGHBORHOOD.**
16

17 Mr. Young presented an aerial photograph of the subject property and identified the existing
18 structures and accesses for the property. He then presented the proposed plat. Staff reviewed the
19 application and felt that only a few adjustments needed to be made, however, those would occur
20 during the final plat approval process.
21

22 Commissioner Richards asked about a few items included on the plat. Mr. Greenwood explained
23 that those items were drainage and a sewer easement. He described their original use on the
24 property.
25

26 Vice Chair Coombs opened the public hearing. There were no public comments. Vice-Chair
27 Coombs closed the public hearing.
28

29 **MOTION:** Commissioner Armstrong moved that the Planning Commission APPROVE the
30 request of Sam Walker for a six-lot preliminary subdivision called Walker Grove Plat A on
31 property at approximately 1040 East Grove Creek Drive in the R1-20 (Single-Family Residential)
32 Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified
33 by the conditions below:
34

- 35 1. Subject to the approval of the rezone application.
36
37 2. All Final Planning, Engineering, and Fire Department requirements are met.
38

39 Commissioner Cardon seconded the motion. The Commissioners unanimously voted “Aye”. The
40 motion carried.
41

42 **ITEM 5 –** Discussion with Kevin Peterson regarding proposed development at 1250 West 2600
43 North.
44

45 Mr. Young introduced the discussion item and explained that the Peterson family has owned the
46 subject property and would like to develop the land behind the existing home by creating a flag lot

1 subdivision. The adjacent properties are largely undeveloped and the landowners do not intend to
2 develop in the near future. Mr. Young continued by stating that the City has prepared a vicinity
3 plan that shows extended roadways through this area. The purpose of the plan is to provide for
4 the maximum ability for development in the City and maintain proper traffic flow. He also
5 explained that the City Code states that standard roadway development should be the approved
6 process for development wherever possible or practical.

7
8 Mr. Young then described the different options staff and Mr. Peterson had worked through to make
9 development possible on the property. One was to provide a temporary road that would ultimately
10 connect to the neighboring properties once they are developed. Staff favored this option.
11 Mr. Peterson, however, has marketed the property with that stipulation and has not received
12 positive responses from potential buyers and developers. Mr. Peterson preferred to be allowed to
13 use a flag stem for access, but he has worked with staff to create viable options for the property.

14
15 Mr. Young commented that it has been difficult for staff to determine the best course of action on
16 this situation. In their interpretation of the Code, this is not allowed. He then read the first
17 paragraph of the existing section of Code regarding flag lots and explained that the purpose of a
18 flag lot is to facilitate the best use of interior area of existing parcels, which are no longer used for
19 agricultural uses. There is also a sentence in the Code that specifies that flag lots will be allowed
20 only when it is impossible or impractical to develop interior areas using normal subdivision
21 standards for public streets either at the time of the application or in the foreseeable future.
22 Mr. Young felt that the Commissioners needed to focus their discussion on the words “impractical”
23 and “foreseeable”. Staff saw a practical solution in using standard streets, and it would be in the
24 foreseeable future. The surrounding properties will likely be developed, whether that is five or 20
25 years down the road.

26
27 Kevin Peterson gave his address as 2719 West 9800 South in South Jordan. He grew up on the
28 subject property, which his parents own. Mr. Peterson explained that he is a licensed land surveyor
29 and realtor, so he understands the challenges that staff has faced with this situation.

30
31 Mr. Peterson commented that he has struggled with staff’s interpretation of the Code as it relates
32 to flag lots. The subject property was historically an agricultural area, which is mentioned in the
33 Code. He feels that the flat lot has benefits in some situations, particularly with this property. He
34 explained that the property is landlocked on three sides by other properties and subdivisions, and
35 he believes that the best and simplest solution is to allow a flag lot subdivision. Mr. Peterson stated
36 that they met with the City Council, but he felt like he was being stonewalled by not being allowed
37 to process an application. As he understood it, the Council recommended that he work with staff
38 to process an application, but no application had been processed. Instead, he and staff had
39 discussed an ordinance revision to allow for temporary access.

40
41 Mr. Peterson passed out a copy of the packet that he has used for marketing, which references the
42 temporary access requirement and included photographs, the concept plan, and the City’s vicinity
43 plan. Staff was supportive of the packet and how it was marketed, however, the developers who
44 have responded found the situation to be confusing. They received two full-price offers, but most
45 of the developers wanted to build one or two single-family residences rather than four as proposed

1 in the concept plan. Mr. Peterson stated that other developers who were interested in the property
2 did not make an offer because of the situation.

3
4 Although Mr. Peterson did not feel that the ordinance needs to be amended to allow for a flag lot,
5 he proposed language for an ordinance amendment if the Commission feels an amendment is
6 needed. He reported that he would be able to present other viable options for the property, if given
7 the opportunity to process an application.

8
9 Commissioner Schooley asked the applicant to describe the “discounted” lots from his packet.
10 Mr. Peterson explained that the lots will lack curb appeal because the temporary access will not
11 have curb, gutter, and sidewalk like a standard public street. Mr. Peterson added that there was
12 already an easement on the property that had been used to access the back area for many years.
13 The owner would have no problem turning it into a flag lot stem or roadway. With regard to the
14 offers received, Mr. Peterson explained that he has been offered more money for one large lot than
15 the proposed four lots.

16
17 The Commission asked why they did not have an exhibit showing the property with one lot in the
18 back rather than four lots. Mr. Young explained that they did not have a plan drawn out for that,
19 but the number of lots should not affect the discussion because the Code is the same no matter how
20 many lots are there.

21
22 Commissioner Armstrong shared an experience he had with a flag lot in Provo where they were
23 only able to put in one lot because of the restrictions of the flag lot ordinance. He questioned how
24 they could determine the foreseeable future of a situation like this. Mr. Young stated that this is
25 what the Commission needs to consider in this situation.

26
27 Commissioner Schooley commented that he understood the need for traffic circulation, but
28 questioned whether that has a real affect with only one lot having access to a flag lot stem. It
29 would be a different traffic issue with four lots. Mr. Young stated that the one lot could choose to
30 subdivide in the future.

31
32 City Engineer, Degen Lewis, presented Paragraph B of the Flag Lot ordinance, which addresses
33 the historical City blocks that were laid out with narrow, deep lots. This is the type of lot the City
34 Council was focusing on when they created the ordinance. They did not intend for flag lots to be
35 allowed in any other part of the City. Mr. Lewis stated that an ordinance amendment could be
36 done, but staff is bound to work within the current ordinance.

37
38 Commissioner Armstrong did not have an issue with allowing a flag stem for one lot but would
39 not feel comfortable with multiple lots. Mr. Lewis agreed and commented that the difficulty is
40 that the property will be the first to develop in the area rather than the last.

41
42 Commissioner Richards explained that one of his concerns is the definition of “foreseeable”, which
43 the dictionary defines as “laying within a range where forecast is possible”. He felt this scenario
44 did not meet that definition, as they could not foresee the future development of the surrounding
45 properties. Commissioner Richards did not see the need for a text amendment because the situation
46 meets the requirements for a flag lot. Commissioner Steele disagreed, as it was reasonable to

1 believe that the properties will be developed in the next 25 years. The Commissioners further
2 discussed the foreseeable future of the area.

3
4 Commissioner Armstrong reiterated his belief that one lot could be allowed on a flag lot stem
5 without an issue. Mr. Young countered that the City cannot force or restrict a developer to only
6 one lot, by Code. He explained that staff is looking for direction from the Commission on this
7 matter. If they feel the situation fits within the Flag Lot ordinance, Mr. Peterson could proceed
8 with an application. But if they determine that a flag lot is not appropriate, staff would need to
9 work with Mr. Peterson on a text amendment.

10
11 Commissioner Cardon liked Mr. Lewis' previous suggestion of a temporary access with a flat lot
12 with a cul-de-sac on the end to provide for future development. Mr. Lewis commented that there
13 was nothing in the ordinance requiring a property owner to maximize the number of lots on a
14 development, so Mr. Peterson would be able to develop only one lot. The City can only restrict
15 that number of lots when it has an impact on the neighboring property owners with their
16 development.

17
18 Vice Chair Coombs asked Mr. Peterson if he wanted the Commission to discuss his proposed
19 language or if he felt that he could come up with a viable solution based on the discussion they
20 have had so far. Mr. Peterson stated that his job as a realtor is to market the property and expose
21 it to as many potential buyers as possible. He felt the flag lot had merit in this case, but he was
22 willing to work with staff to come up with additional solutions. Mr. Peterson expressed his
23 frustration, explaining that they have not been able to move forward despite all of the work they
24 have already done. The family has been attempting to sell the property for over 10 years.

25
26 The Commission again discussed the number of lots and the potential for a half cul-de-sac at the
27 end of the flag lot stem.

28
29 Corey Short, one of the potential buyers, gave his address as 844 North Fox Lane in Saratoga
30 Springs. He stated that he would like to build just one single-family home on the property facing
31 2600 North. If a cul-de-sac were required, the home would need to face it. Mr. Lewis felt that a
32 cul-de-sac may not be the most appropriate solution. Mr. Young stated that the subdivision would
33 meet road standards if they included a half or even a sliver of a cul-de-sac. He confirmed that this
34 would force the frontage of the home to face that street, which is not what the buyer or Mr. Peterson
35 wants to do.

36
37 Commissioner Steele asked if the Commission could take a straw vote to determine if they feel the
38 situation fits within the current Code. Commissioners Steele, Cardon, Armstrong, Nydegger and
39 Coombs did not feel the situation meets the ordinance and voted "no". Commissioner Richards,
40 Baptista, and Schooley voted "yes".

41
42 Mr. Peterson asked if the Commissioners if they would vote on whether they felt a text amendment
43 would be worth consideration. The Commissioners discussed what they felt was allowed by the
44 current Code and how that could be amended to accommodate this situation. Mr. Young again
45 reiterated that the number of lots should not have an effect on the discussion.

1 In reference to the proposed language from Mr. Peterson, Mr. Young stated that staff had not had
2 an opportunity to review it and it had not been presented to the City Attorney. He worried that an
3 amendment would open the flag lot option up to the entire City, which would be problematic.

4
5 Commissioner Baptista is in favor of property rights and was willing to work with the applicant to
6 find a way to develop his property. Vice Chair Coombs commented that this was the intent of the
7 Commission as a whole, and they needed to give Mr. Peterson some direction.

8
9 Commissioner Steele did not feel the situation fits within the existing Code and wouldn't be
10 opposed to a text amendment. Commissioners Cardon and Armstrong agreed. Commissioner
11 Richards felt like a lot of the issues could be worked out during the planning process, but felt that
12 the ordinance needed some adjustment to allow what is proposed. Commissioner Nydegger
13 agreed.

14
15 Commissioner Schooley commented that they may have focused too much of their discussion on
16 the number of lots and felt that this was a threshold inquiry. He was more inclined to be in favor
17 of a flag lot for only one lot, but it still does not conform to the existing Code. An amendment
18 would be required, but he was hesitant to amend the Code in a way that would affect the whole
19 City.

20
21 Vice Chair Coombs agreed with the other Commissioners, and expressed concern with emergency
22 access on the property if they do not require a cul-de-sac or similar.

23
24 Mr. Young confirmed that the Commission believed that the Code should be amended before a
25 flag lot application can move forward. He stated that there had been some argument as to whether
26 the current Code allows for the proposed flag lot. He asked the Commission to discuss the matter
27 further for clarification.

28
29 Commissioner Cardon did not want this to be a permanent flag lot, but liked the staff proposal to
30 have a temporary road that would one day be connected to other developments. Commissioner
31 Armstrong argued that the property was landlocked and a future connection would be improbable.
32 Mr. Young stated that the challenge would be to create verbiage that would allow Mr. Peterson to
33 do what he wants without opening the flag lot to the entire City.

34
35 Commissioner Baptista asked if there was something that could be done outside of a Code
36 amendment. Mr. Lewis stated that the applicant could seek a variance from the Board of
37 Adjustment, but Mr. Peterson would have to prove that he has a non-self-imposed hardship. If the
38 Board can't make a finding, they cannot grant a variance.

39
40 Commissioner Schooley asked about the amendment application process and Mr. Lewis explained
41 that staff does not normally draft the amendment language. The applicant would be asked to draft
42 the language and it would be reviewed by staff. Staff would then make a recommendation to
43 approve or deny.

44
45 Mr. Young commented that the burden will fall on Mr. Peterson to come up with a proposal for
46 amending the Code that can be reviewed and recommended to the City Council. If he believes he

1 has already done that, staff will examine the language and determine if it is ready to come back to
2 the Commission.

3
4 **MOTION:** Commissioner Baptista moved to APPROVE the minutes of the February 25, 2016
5 Planning Commission Meeting and Report of Action. Commissioner Armstrong seconded the
6 motion. The Commissioners unanimously voted "Aye". The motion carried.

7
8 **MOTION:** Commissioner Baptista moved to adjourn. Commissioner Armstrong seconded the
9 motion. The Commissioners unanimously voted "Aye". The motion carried.

10
11 The meeting adjourned at 9:20 p.m.

12
13
14 _____
15 Planning Commission Chair

16
17
18 _____
19 Barbara Johnson, Planning Tech

20
21 _____
22 Date Approved